

Exhibit “D”

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK

4 - - - - - x

5 CHUN LAN GUAN, QIHUAI LIU, ZIQIANG
6 LU, YOUXING ZHAO, and HUIDE ZHOU,
7 on behalf of themselves and others
8 similarly situated,

9 Plaintiffs,

10 - against -

11 LONG ISLAND BUSINESS INSTITUTE,
12 MONICA FOOTE, and WILLIAM DANTIVA,
13 Defendants.

14 - - - - - X

15 350 Fifth Avenue
16 New York, New York

17 May 18, 2016
18 10:05 A.M.

19 EXAMINATION BEFORE TRIAL of CHUN LAN GUAN, a
20 Plaintiff herein, taken by the Defendants herein,
21 pursuant to Federal Rules of Civil Procedure, held
22 at the above-mentioned time and place, before Anita
23 M. Cummo, a Notary Public of the State of New York.
24
25

1 CHUN LAN GUAN

2 Q Do you ever text from your phone?

3 A The old phone?

4 Q Either phone.

5 A This phone WeChat is okay. That one
6 only a regular text.

7 Q What's WeChat?

8 A You can chat with each other.

9 Q Do you use WeChat with the other
10 plaintiffs in this case?

11 A Once in awhile, yes.

12 Q Have you spoken to them over WeChat
13 concerning this lawsuit?

14 A About this lawsuit?

15 Q Yes.

16 A How could I say? I think you can
17 say yes or no.

18 Q What would you say?

19 A Then yes, then.

20 Q Did you discuss with the other
21 plaintiffs about the work at Long Island
22 Business Institute.

23 A The other plaintiffs. But we were
24 working together. We don't need to talk about.

25 Q I'm just asking if you ever chatted

1 CHUN LAN GUAN

2 or used the text with the other plaintiffs?

3 A About work? About our work?

4 Q About Long Island Business
5 Institute.

6 A We were working together. We didn't
7 need to use WeChat to talk about that. We could
8 just talk to each other in person.

9 Q I'm asking if you used WeChat to
10 talk about Long Island Business Institute?
11 Did you ever go home and talk about
12 it?

13 A If there were necessary things for
14 work, we would talk about. But otherwise, no.

15 Q Were you asked by counsel to produce
16 your WeChat texts?

17 MR. BYUN: You're asking her for
18 privilege information.

19 MR. ALOE: I'm not asking for --
20 first of all, I don't think that's
21 correct.

22 A No.

23 MR. ALOE: I'll, for the record,
24 say that we were told there was no
25 texts and apparently there are. So,

1 CHUN LAN GUAN

2 counsel has not complied with their
3 obligations under the rule.

4 Q When did you decide to file a
5 complaint against Long Island Business
6 Institute?

7 A April of 2015.

8 MR. ALOE: I'm sorry?

9 THE INTERPRETER: April of 2015.

10 Q What made you decide to initiate
11 suit?

12 A Because I think the school treat us
13 unfair.

14 Q Were you aware of a suit by a
15 gentleman named Bofeng Huo, B-O-F-E-N-G, H-U-O?

16 MR. ALOE: Let me withdraw that.

17 Q Were you aware of a lawsuit against
18 the school, before yours?

19 A I'm not aware of.

20 Q You are not aware of any other
21 suits, other than your suit?

22 A I know there was a suit, Mr. Huo.

23 Q How do you know that?

24 A After I came back from China, a
25 student asked me. A student asked me "Mr. Huo

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5 on behalf of themselves and others
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9 Defendants.

10 - - - - - X

350 Fifth Avenue
New York, New York
May 18, 2016
1:10 P.M.

13
14 EXAMINATION BEFORE TRIAL of QIHUAI LIU, a
15 Plaintiff herein, taken by the Defendants herein,
16 pursuant to Federal Rules of Civil Procedure, held
17 at the above-mentioned time and place, before Anita
18 M. Cummo, a Notary Public of the State of New York.
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1 QIHUAI LIU

2 A Android, yes.

3 Q For how long have you had that
4 phone?

5 A Maybe four years.

6 Q Do you ever use that phone to chat
7 or text?

8 A Not necessary.

9 Q Do you chat or text with the
10 computer or any other way?

11 A No.

12 Q Do you use WeChat?

13 A WeChat, yes.

14 Q How do you use that?

15 A I communicate. I use that to
16 communicate with people in China.

17 Q Have you ever used WeChat to
18 communicate with your fellow plaintiffs in this
19 case?

20 A No.

21 Q Have you had any chats that involved
22 where you discussed anything about Long Island
23 Business Institute?

24 A No.

25 Q Did anyone from counsel's office ask

1 QIHUAI LIU

2 you to go through your WeChat texts?

3 A No.

4 Q Did anyone ask you about what was on
5 your texts?

6 A No.

7 Q I'm the first person to ask you
8 that?

9 A Yes.

10 Q First of all, you work in the
11 maintenance department for Long Island Business
12 Institute at the Flushing campus; is that
13 correct?

14 A Yes.

15 Q Are you familiar with any prior
16 lawsuits concerning anyone in your department
17 and the Long Island Business Institute?

18 A I'm not sure.

19 Q The answer is you don't know?

20 A I don't know.

21 Q When did you come to work for Long
22 Island Business Institute?

23 A October of 2013.

24 Q Prior to that, what were you doing?

25 A Prior to that, I was doing some work

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5 on behalf of themselves and others
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MONICA FOOTE, and WILLIAM DANTIVA,

9 Defendants.

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350 Fifth Avenue
New York, New York
May 19, 2016
2:40 P.M.

13
14 EXAMINATION BEFORE TRIAL of ZIQIANG LU, a
15 Plaintiff herein, taken by the Defendants herein,
16 pursuant to Federal Rules of Civil Procedure, held
17 at the above-mentioned time and place, before Anita
18 M. Cummo, a Notary Public of the State of New York.
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1 ZIQUIANG LU

2 Q Do you speak English?

3 A A little bit.

4 Q How much English do you speak?

5 A Just a little bit.

6 Q We have an interpreter here so you
7 and I are able to converse.

8 If we didn't have the interpreter,
9 would you and I be able to have a conversation?

10 A No.

11 Q Do you use a cellphone?

12 A Yes.

13 Q What type of cellphone?

14 A An iPhone.

15 Q For how long have you used the
16 iPhone?

17 A For one year.

18 Q Before that, did you have a phone?

19 A Yes.

20 Q What type of phone did you have,
21 before that?

22 A Samsung, the flip phone.

23 Q Do you use a computer?

24 A Yes.

25 Q Do you use your cellphone or

1 ZIQUIANG LU

2 computer or any other device to send or receive
3 text messages or chat messages or e-mails?

4 A Yes.

5 Q Did you ever send or receive any
6 e-mails, texts or chat messages, concerning Long
7 Island Business Institute?

8 A Anything about Long Island Business?

9 Q Yes.

10 A About work or anything?

11 Q Anything at all to do with Long
12 Island Business Institute?

13 A Yes.

14 Q How about the lawsuit?

15 A Yes.

16 Q Have you used it to communicate with
17 any of your fellow plaintiffs?

18 A No.

19 Q Were you asked by your counsel to
20 provide your text messages, chat messages and
21 e-mails?

22 A No.

23 Q Do you have any text messages,
24 e-mails or chat messages concerning this
25 lawsuit?

1 ZIQUIANG LU

2 A With who?

3 Q Anybody.

4 A No.

5 Q Do you have any e-mails, text
6 messages or chat message, concerning your NLRB
7 charge?

8 A No. About that, no.

9 MR. ALOE: I'm going to ask you
10 questions about before you came to
11 work for Long Island Business
12 Institute.

13 Q Were you employed before you became
14 employed by Long Island Business Institute?

15 A Yes.

16 Q Where were you employed?

17 A I worked in Brooklyn.

18 Q By whom were you employed?

19 A It was a car shop.

20 Q What did you do?

21 A Fixing cars.

22 Q What was the name of the shop?

23 A The name I can't recall. It was in
24 English.

25 Q What was the address of the shop?

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Defendants.

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350 Fifth Avenue
New York, New York
May 19, 2016
10:25 A.M.

13
14 EXAMINATION BEFORE TRIAL of YOUXING ZHAO, a
15 Plaintiff herein, taken by the Defendants herein,
16 pursuant to Federal Rules of Civil Procedure, held
17 at the above-mentioned time and place, before Anita
18 M. Cummo, a Notary Public of the State of New York.
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1 YOUXING ZHAO

2	A	Seven dollars and 35 cents per hour.
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3 At that time, it was in 2008.

4	Q	Why did you leave working there?
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5 A Because they didn't have much work.

6	They laid off.
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7 Q Before you worked there, where did
8 you work?

9	A	No other work. I was in China.
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10 Q You mentioned you worked in a
11 cellphone factory, so do you yourself carry a
12 cellphone?

13	A	Yes.
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14	Q	What kind of cellphone?
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15 A It's a cellphone from the
16 government. It's a simple one like they give
17 you certain minutes per month.

18 Q Do you use your cellphone or
19 computer or anything to text or send messages or
20 e-mails or anything like that?

21 A I only use iPad to send message or,
22 you know.

23	Q	You use an iPad to do that?
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24 A Yes.

25	Q	And you send texts or messages with
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1 | YOUXING ZHAO

2 | your iPad?

3 A Yes. I also use iPad to chat.

4 Q When you chat, do you use a program
5 to chat?

6 A I don't know because my son set it
7 up for me.

8	Q	Is it something called WeChat?
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9 A Yeah, WeChat. WeChat also.

10 Q Did you ever text or send any
11 messages or e-mails about Long Island Business
12 Institute, while you were working there?

13	A	No.
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14 Q Did you ever talk about this
15 lawsuit?

16	A	No.
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17 Q Did you ever communicate with any of
18 your fellow employees?

19 A No, no. We are different cases, you
20 know, because I came after they came, and also I
21 leave before.

22 Q Before you came here in this
23 lawsuit, did you or did anyone from your
24 attorney's office inquire about whether you had
25 a cellphone or chat for text communications?

1 YOUXING ZHAO

2 A No.

3 Q I'm the first one asking you these
4 questions?

5 A Yes, yes. Yes; correct.

6 Q Did you know any of the other
7 plaintiffs in this case, before you came to work
8 for Long Island Business Institute?

9 A No, I didn't.

10 Q According to your Complaint, you
11 started working for Long Island Business
12 Institute on August 21st, 2014; is that correct?

13 A Yes.

14 Q In Paragraph 226 in your Complaint,
15 you started working from 2006, but I believe
16 that's incorrect and it was August 21st, 2012?

17 A 2006?

18 Q Yes, 2006.

19 A Where I was in 2006?

20 MR. ALOE: There was a Complaint
21 filed.

22 THE WITNESS: That's incorrect.

23 MR. ALOE: According to the
24 Second Amended Complaint, this is a
25 document filed by your counsel on